



ATC/EN

Atty. Dkt. No. 084335-0123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshio OTA et al.
Title: PRIMERS FOR SYNTHESIZING
FULL-LENGTH cDNA AND
THEIR USE
Appl. No.: 09/629,469
Filing Date: 7/28/2000
Examiner: Carolyn L. SMITH
Art Unit: 1631

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance to 37 C.F.R. § 1.133(b), submitted herewith is a record of the substance of the interview on June 16, 2005, between Examiner Carolyn L. Smith and applicants' representative, Alexey Saprigin (registration number 56,439), regarding the above-captioned application. This statement is being submitted within one (1) month of the mailing date of June 21, 2005, of the Interview Summary and is therefore a timely response. This submission is not a response to any outstanding Office Action.

During the interview, the Examiner and the applicants' representative discussed the current rejections in the application. In particular, the applicants' representative contended that selected SEQ ID Nos. 10847 and 10848 (i.e. the HEMBA1004850) have a specific, substantial and credible utility diagnostic and markers for diabetes and as screening tools for investigating the pathogenic effects of glycosylated proteins. In her response, the Examiner indicated that the asserted utility might be specific and credible, however, in her opinion, the asserted utility does not satisfy the requirement for substantial utility. The applicants' representative cited MPEP 2707.01.I stating that "an assay that measures the presence of a

material which has a stated correlation to a predisposition to the onset of a particular disease condition” should satisfy the substantial utility requirement. In response, the Examiner maintained her position that the asserted correlation between the elected sequences and diabetes is not sufficient to satisfy the substantial utility requirement and stated that additional factual evidence that expressly relates the elected sequences with diabetes is necessary to overcome the utility rejection.

Respectfully submitted,

Date 7/21/2005

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By Alexey Saprigin

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.